GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Commercial Taxes Department Surprise check on the Integrated Check Post, B.V.Palem, Tada Mandal, SPSR Nellore District on 24-03-2015 – Allegations of Corruption against Sri Nagisetty Rajendra Prasad, Junior Assistant, formerly worked at the Integrated Check Post, Bheemunivaripalem Village, Tada Mandal, SPSR Nellore District - under Rule 20 of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 - Article of Charges – Issued.

REVENUE (VIGILANCE–VI) DEPARTMENT

G.O.Rt.No. 645 **Date:17.07.2023**

Read:

G.O.Ms.No:309 Revenue (Vig.VI) Department, dated:17-07-2023.

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O R D E R :

In continuation of the orders issued under Rule 24 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 in the reference read above, it is considered necessary to hold an enquiry against Sri Nagisetty Rajendra Prasad, Junior Assistant, formerly worked at the Integrated Check Post, Bheemunivaripalem Village, Tada Mandal, SPSR Nellore District under Rule 20 of the said rules.

2. The substance of the imputation of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I) and the imputation of misconduct or misbehavior in support of each article of charge is enclosed (Annexure-II). A list of documents by which and a list of witnesses by whom the articles of charge are proposed to be sustained are also enclosed (Annexure-III & IV).

3. Sri Nagisetty Rajendra Prasad, Junior Assistant, formerly worked at the Integrated Check Post, Bheemunivaripalem Village, Tada Mandal, SPSR Nellore District is directed to submit his written statement of defense within ten days of the receipt of the order.

4. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri Nagisetty Rajendra Prasad, Junior Assistant, formerly worked at the Integrated Check Post, Bheemunivaripalem Village, Tada Mandal, SPSR Nellore District is further informed that if he does not submit his written statement of defense on or before the date specified in para 3 above, further action will be processed based on the material available.

6. Attention of Sri Nagisetty Rajendra Prasad, Junior Assistant, formerly worked at the Integrated Check Post, Bheemunivaripalem Village, Tada Mandal, SPSR Nellore District is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964 under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further her interests in respect of matters pertaining to his service under Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that he is aware of such a

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representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

7. The receipt of the order may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

N.GULZAR
SECRETARY TO GOVERNMENT

To

Sri Nagisetty Rajendra Prasad, Junior Assistant, formerly worked at the Integrated Check Post, Bheemunivaripalem Village, Tada Mandal, SPSR Nellore District (through the Chief Commissioner of State Tax, Andhra Pradesh, Kunchanapalli, Guntur. (with a request to serve the order on the individuals and send the served copy with dated signature to Government)

The Chief Commissioner of State Tax, Andhra Pradesh, Kunchanapalli, Guntur.

Copy to:

The Secretary to Vigilance Commissioner, Andhra Pradesh Vigilance Commission, Velagapudi.

The Director General, Anti Corruption Bureau, Andhra Pradesh, Pandit Nehru Bus Station, NTR Administrative Block, 2nd Floor, Vijayawada.

The Deputy Commissioner, Commercial Taxes, SPSR Nellore District.

SF / SC.

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ANNEXURE-I

STATEMENT OF ARTICLE OF CHARGES FRAMED AGAINST SRI NAGISETTY RAJENDRA PRASAD, JUNIOR ASSISTANT, INTEGRATED CHECK POST, BGEEMUNIVARIPALEM VILLAGE, THADA MANDAL, SPSR NELLORE DISTRICT.

That Sri Nagisetty Rajendra Prasad, Junior Assistant, formerly worked at the Integrated Check Post, Bheemunivaripalem Village, Tada Mandal, SPSR Nellore District from 17.03.2012 to 25.03.2015 (i.e., date of surprise check). While working as Junior Assistant at the Integrated Check Post, Bheemunivaripalem Village, Tada Mandal, SPSR Nellore District,the Government servant has committed grave misconduct in as much as:-

CHARGE:

That the Government Servant, Sri Nagisetty Rajendra Prasad, while working as Junior Assistantat the Integrated Check Post, Bheemunivaripalem Village, Tada Mandal, SPSR Nellore District has exhibited gross negligence of duty at the incoming Commercial Taxes Wing by collecting mamools ranging from Rs.50/- to Rs.150/- from crew of vehicles plying through the Check Post and an unaccounted amount of Rs.12,900/- was collected from the crew of vehicles on 24.03.2015 from 23:15 hours to 07:00 hours on 25.03.2015.

Thus the Government Servant, Sri Nagisetty Rajendra Prasad, Junior Assistant, Integrated Check Post, Bheemunivaripalem Village, Tada Mandal, SPSR Nellore Districtby his above mentioned acts has exhibited lack of integrity, devotion to duty and conduct unbecoming of a Government Servant and there by contravened rule 3(1) and 3(2) of APCS (Conduct) Rules, 1964.

N.GULZAR
SECRETARY TO GOVERNMENT

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SECTION OFFICER

ANNEXURE-II

STATEMENT OF IMPUTATION OF MISCONDUCT IN SUPPORT OF ARTICLE OF CHARGE FRAMED AGAINST SRI NAGISETTY RAJENDRA PRASAD, JUNIOR ASSISTANT, INTEGRATED CHECK POST, BGEEMUNIVARIPALEM VILLAGE, THADA MANDAL, SPSR NELLORE DISTRICT.

That Sri Nagisetty Rajendra Prasad, Junior Assistant, Integrated Check Post, Bheemunivaripalem Village, Tada Mandal, SPSR Nellore Districtis a native of Nellore Town, SPSR Nellore District and he joined in the Government Service as Junior Assistant at the O/o the CTO-1, Nellore on 17.03.2012and worked there till the date of surprise check. His date of birth is 29.10.1980. His date of retirement on attaining the age of superannuation is 31.10.2040 (as on 01.04.2015). He is here-in-after referred to as Government Servant.

CHARGE:

That the Government Servant, Sri Nagisetty Rajendra Prasad, while working as Junior Assistant at the Integrated Check Post, Bheemunivaripalem Village, Tada Mandal, SPSR Nellore District has exhibited gross negligence of duty at the incoming Commercial Taxes Wing by collecting mamools ranging from Rs.50/- to Rs.150/- from crew of vehicles plying through the Check Post and an unaccounted amount of Rs.12,900/- was collected from the crew of vehicles on 24.03.2015 from 23:15 hours to 07:00 hours on 25.03.2015.

Facts of the case:

On credible information that the officers and staff of integrated check post, B.V.Palem, Tada Mandal, SPSR Nellore District are indulging in corrupt practices and collecting mamools from the crew of vehicles plying through ICP, B.V.Palem, a surprise check was conducted over transport wing and incoming & outgoing commercial tax wings of ICP, BV Palem on 24.03.2015 from 11:30 PM to 07:00 AM on 25.03.2015 with the following 3 teams headed by the DSP, ACB, Nellore Range, Nellore.

1. **Transport Department Wing:** Sri R.V.S.N. Murthy, DSP, SI S. Venkateswara Rao, PC's Sk. Abdul Quddus , K. Madhusudhan Rao, and Sri Pujala Venkata Narayana Divakara Rao, S/o. P. Hanumantha Rao, 49 years, Deputy Executive Engineer, SSLC & SB SUB Division No.2, Podalakuru, & Sri Palla Srinivasulu, S/o. Lingaiah, 40 years, Typist, O/o. the SSLC & SB Circle Office, Dargamitta, Nellore, (Mediators). - Team–1.
2. **Incoming Commercial Tax Check Post:** Inspector M. Krupanandam, HC B. Ravindra, PCs N. Raga Babu, M. Madhusudhana Rao and Sri Mannimala Venkata Ratnam, S/o. Venkaiah, 42 years, Assistant Engineer, O/o. the R & B, Rapur & Sri Pulaputturu Srinivasulu, S/o. Chinakasaiah, 44 Years, Junior Assistant, O/o. the Superintendent Engineer, Telugu Ganga Project, Nellore, (Mediators). – Team-2.
3. **Outgoing Commercial Tax Check Post (All Departments):** Inspector N. Siva Kumar Reddy, HC O. Srinivasulu, Sk. Shafi Ahammad, K. Subba Rao and Sri Parchuri Mallikarjuna Rao S/o. Hazarath, Age: 30 Years, Asst.
4. Executive Engineer, Irrigation Department, SSLC & SB SUB Division No.2, Podalakuru, SPSR Nellore District & Sri Malli Mallikarjuna S/o. Guravaiah, Age: 30 Years, Jr. Asst, R&B Department, Nellore Division, Nellore, SPSR Nellore District
(Mediators) – Team - 3.

The above mentioned 3 teams left the office of the DSP, ACB, Nellore in 3 vehicles on 24.03.2015 at 08.50 PM and reached Integrated check post, BV Palem on 24.03.2015 at 11.00 PM. The DSP got stopped the 3 vehicles at Pudi centre near the Integrated check post. The DSP instructed his officers and men and requested the mediators to form into 3 teams as noted in the above.

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The DSP explained the first team which was accompanied with him will conduct surveillance and organize surprise check over the

Transport Wing check post, team No.2 will conduct surveillance over Commercial Taxes check post (Incoming) and team No.3 will conduct surveillance over Commercial Taxes and other departments i.e. Forest and Mines and Geology check post (outgoing), till the DSP and Mediators No.1 & 2, visits Commercial Taxes Check posts Incoming and Out-going. As per the instructions of the DSP, team No.1 proceeded towards Transport wing along with DSP, while remaining 2 teams proceeded towards Commercial Taxes in coming and outgoing of all departments i.e. Commercial Tax, Forest and Mines and Geology respectively by walk. The Transport wing of ICP, B.V Palem is located at the western side of NH 16 road facing east in a room with glass pans (RTO Check Post). There noticed that one woman Asst. Motor Vehicle Inspector is present in front of the check post, where as another male Motor Vehicle Inspector, One Constable are present on the NH-16 and clearing traffic. One Attender present near the check post. All are wearing uniforms.

After completion of the proceedings at Transport Wing,Team No.1 proceeded to Commercial Tax Incoming check post and found Team No.2 in the said check post premises. The Inspector Sri M. Krupanandam informed to the DSP that as per the instructions they proceeded to the Commercial Tax Incoming check post and on observation they noticed that the staff collecting mamools from the crew of the vehicles who came for verification of records, obtaining tokens and transit passes and while stamping the records, then they proceeded towards the premises of said check post and disclosed their identity and informed the purpose of their visit and asked the officers available in the hall and outside the premises to attend their duties and not to move further. Since then they are watching them and waiting for the arrival of team No.1.

The DSP disclosed his identity and identity of the remaining search party members, to the officers available in the Incoming commercial tax check post and ascertained their identity as follows.

S.No.	Name of the Officer & Rank
1	Sri P. Chenchu Rama Rao, ACTO
2	Sri K.Vishnu Rao, ACTO
3	Sri M. Deva Paul, Sr. Asst
4	Sri P. Padmavathi, Jr. Asst
5	Sri N. Rajendra Prasad, Jr. Asst
6	Sri D. Bala Murali Krishna, Jr. Asst.
7	Sri K. Ramesh, Attender

On the request of the DSP, the officers present in the incoming commercial tax check post produced the amounts available with them. Cross verification of personal cash register and attendance register revealed the following.

Sl. No.	Name of the Officer & Rank	Cash available with the officer	Cash declared in personal Cash Register.	Attendance Register	Remarks/ Variations in Rs.
1	Sri P. Chenchu Rama Rao, ACTO	Rs.320/-	Rs.500/-	Present	180/-less
2	Sri K.Vishnu Rao, ACTO	Rs.350/-	Rs.500/-	Present	150/- less
3	Sri M. Deva Paul, Sr. Asst.	Rs.100/-	Rs.450/-	Present	350/- less
4	Smt P. Padmavathi, Jr.	Rs.40/-	Rs.200/-	Present	160/- less
5	Sri N. Rajendra Prasad, Jr. Asst	Rs.100/-	Rs.300/-	Present	200/- less
6	Sri D. Bala Murali Krishna, Jr. Asst.	Rs.200/-	Rs.350/-	Present	150/- less
7	Sri K. Ramesh, Attender	Rs.200/-	Rs.300/-	Present	100/- less

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On perusing Duty Register at page No. 99, it was found that Sri M.S.R.K. Prasad, Sr. Asst. was marked as present and he signed to that effect. But he was not present in an around the check post. On enquiry the remaining staff informed that he left the check post just the arrival of ACB check party and he did not returned.

On the request of DSP, the ACTO Sri P. Chenchu Rama Rao informed that he will produce the duty chart of out-going and incoming check post for the month February, 2015 on 25.03.2015 at 11.00 am, as it is not available at present. When the DSP asked to produce the duty chart for the month of March, 2015. He stated that the Administrative Officer Sri P.Srinivasa Rao, instructed him orally to continue the duties as per the chart of previous month i.e. February, 2015, so far the fresh duty chart for the month of March, 2015 yet to be prepared. Thus it came to know that duty chart was not prepared for the month of March, 2015 by the Administrative Officer.

The DSP verified the User Charges Receipt Book which was present in the possession of Sri K. Vishnu Rao, ACTO and found Rs.13,450/-. On request of DSP the ACTO produced cash from his table drawer which was an amount of Rs.13,450/- and found tallied. Sri K. Vishnu Rao informed that the user charges (Rs.50/- per lorry/van) being collected from the lorries/van drivers who drove the vehicles of other states. The User Charges Receipt Book and govt. cash returned to K. Vishnu Rao, ACTO.

While the proceedings is going on, as usual the crew of the vehicles plying through the Incoming Commercial Check Post (ICP) visiting the counters of the said check post along with vehicle goods records in one hand and currency notes in other hand and paying the amounts to the staff for entering their goods particulars in the prescribed forms and for issuing computer generated tokens/receipts/slips (passes), in token of entering the transport material/goods particulars in the relevant records. As per the instructions of DSP, Mediator No.4 Sri Pulaputturu Srinivasulu took the amount so kept in the counters at 03:40 AM (25.03.2015) and on counting it arrives at Rs.12,900/-.

At random the following crew of the vehicles who paid mamools to the officials of Incoming commercial tax check post were secured and examined.

1. Sri Ravuri Ganesh, S/o Mallaiah, Age: 22 Years, Gollapudi Village, Vijayawada, Krishna District, AP, Cell: 9985145991, from Chennai to Wankhedi, Maharashtra Vehicle No. AP 16 TX 5927 (Paid Rs.150/-).

2. Sri Kotha Venkata Rao, S/o Guru Murthi, Age: 42 Years, D.No.48-7-1-2, Gunadala, Krishna District, 9441748319, from Chennai to Vijayawada,Vehicle No. AP16TV5779 (Paid Rs.50/).

3. Sri Moppupati Bhaskar Rao, S/o Brahma Naidu, Age: 49 Years, R/o Ramavappadu Village, Vijayawada Rural, Krishna District, AP, cell: 9440206577 from Chennai to Kolkatta, Vehicle No. AP 16 TG 2598 (Paid Rs.100/-).

When examined they stated that they are paying amounts as mamools as a routine process to them and they are paying the mamools to the officials of Incoming Commercial Tax check post for not looking in to the violations they have committed in transportation of goods and materials and to obtain transit permits/tokens etc., thereby the Government Servant obtained pecuniary advantage which is infringement of the conduct rules. Their statements were obtained to that affect.

The DSP asked the officers available in the Incoming Commercial Tax Check Post about the amount of Rs.12,900/- paid by the crew of the vehicles as mamools, they kept silent and did not say anything. The DSP seized the above unaccounted amount of Rs.12,900/- for further verification.

The surprise check revealed that the outgoing commercial tax wing officials on the instructions of the government servant collected mamools ranging from

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Rs.50/- to Rs.150/- from the crew of vehicles plying through the check post by ignoring their rules while checking the records. An un-accountable amount of Rs.12,900/- which was under the control of the government servant and the amounts collected from the crew of vehicles plying through the check post as mamools was seized in their counters at outgoing commercial tax wing in the presence of meditators. Attendance registers/duty registers and personal cash register of ICP were seized.

Thus, Sri Nagisetty Rajendra Prasad, Junior Assistant by his above mentioned acts has exhibited lack of integrity, devotion to duty and also failed to supervise the things going on in the ICP, B.V.Palem which unbecoming of a Government Servant, brought down the prestige of the government and there by contravened Rule 3 (1) and 3(2) of APCS (Conduct) Rules, 1964.

Thus the Government Servant has therefore rendered himself liable for departmental action for major penalty for his misconduct as per Rule 20 of APCS (CCA) Rules, 1991.

N.GULZAR
SECRETARY TO GOVERNMENT

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SECTION OFFICER

(P.T.O)

ANNEXURE-III

LIST OF WITNESSES IN SUPPORT OF CHARGES PROPOSED TO BE SUSTAINED.

1) Sri Pujala Venkata Narayana Divakara Rao, S/o. P. Hanumantha Rao, 49 years, Deputy Executive Engineer, SSLC & SB SUB Division No.2, Podalakuru, SPSR Nellore District.

2) Sri Palla Srinivasulu, S/o. Lingaiah, 40 years, Typist, O/o. the SSLC & SB Circle Office, Dargamitta, Nellore, SPSR Nellore District.

3) Sri Mannimala Venkata Ratnam, S/o. Venkaiah, 42 years, Assistant Engineer, O/o. the R & B, Rapur, SPSR Nellore District.

4) Sri Pulaputturu Srinivasulu, S/o. Chinakasaiah, 44 Years, Junior Assistant, O/o. the Superintendent Engineer, Telugu Ganga Project, Nellore, SPSR Nellore District.

5) Sri Parchuri Mallikarjuna Rao S/o. Hazarath, Age: 30 Years, Asst. Executive Engineer, Irrigation Department, SSLC & SB SUB Division No.2, Podalakuru, SPSR Nellore District.

6) Sri Malli. Mallikarjuna S/o. Guravaiah, Age: 30 Years, Jr. Asst, R&B Department, Nellore Division, Nellore, SPSR Nellore District.
(Sl.Nos.1 to 6 are the mediators, proceedings were conducted in their presence and Sl.No.2 was typed the Mediators Report, Dt.24/25.03.2015).

7) Sri Ravuri Ganesh, S/o.Mallaiah, 22 years, Gollapudi Village, Vijayawada, Krishna District, Cell: 9985145991, from Chennai to Wankhedi, Maharashtra Vehicle No. AP 16 TX 5927 (Paid Rs.150/-).

8) Sri Kotha Venkata Rao, S/o. Guru Murthy, 42 years, D.No.48-7-1-2, Gunadala, Krishna District, Cell: 9441748319, from Chennai to Vijayawada, Vehicle No. AP 16 TV 5779 (Paid Rs. 50/-).

9) Sri Moppupati Bhaskar Rao, S/o. Brahma Naidu, 49 years, Ramavappadu Village, Vijayawada Rural, Krishna District, Cell- 9440206577 from Chennai to Kolkatta, Vehicle No. AP 16 TG 2598 (Paid Rs.100/-).

(Sl.Nos.7 to 9 are the vehicle drivers who were paid mamools to the officials of Incoming Commercial Tax check post for not looking in to the violations they have committed in transportation of goods and materials and to obtain transit permits/tokens etc.,)

10) Sri R.V.S.N. Murthy, DSP,ACB, Prakasam Range, i/c Nellore Range, Nellore.

11) Sri M. Krupanandam, Inspector of Police, ACB, Nellore Range, Nellore.

If any witness, is necessary will be produced during the enquiry.

N.GULZAR
SECRETARY TO GOVERNMENT

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ANNEXURE-IV

LIST OF DOCUMENTS IN SUPPORT OF CHARGES PROPOSED TO BE SUSTAINED.

1) Mediators report, Dated:24/25.03.2015 drafted at the Integrated Check Post, BV Palem, Tada Mandal, SPSR Nellore District.

2) Duty Register,O/o. the A.O. ICP, BV Palem, Tada Mandal, SPSR Nellore District.

3) Duty Charts of the staff of the Incoming and Outgoing Commercial Tax wings, ICP, BV Palem, Tada Mandal, SPSR Nellore District.

4) Service Particulars of the Government Servant, Sri Nagisetty Rajendra Prasad, Junior Assistant furnished by the Commercial Tax Officer No.1, Nellore, SPSR Nellore District.

If any document, is necessary will be produced during the enquiry.

N.GULZAR
SECRETARY TO GOVERNMENT

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